

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ANTHONY J. FERRANTINO,

Plaintiff,

v.

**GENERAL SECURITY SERVICES
CORPORATION,**

Defendant.

No. 07 CV 7091

JUDGE RUBEN CASTILLO

DEFENDANT’S MOTION TO DISMISS

Defendant, General Security Services Corporation (“GSSC”), by and through its attorneys, hereby moves, pursuant to Federal Rule of Civil Procedure 12(b)(1) and 12(b)(6), to dismiss Plaintiff’s First Amended Complaint. In support of its motion, GSSC states as follows:

1. In his First Amended Complaint, Plaintiff claims that GSSC violated Title VII by subjecting “Plaintiff to inferior terms and conditions as compared to his similarly-situated female coworkers.” (First Amended Complaint, ¶ 9).

2. In his First Amended Complaint, Plaintiff further claims that “following his complaint of discrimination, the discriminatory terms and conditions of Plaintiff’s employment did not improve, and Plaintiff was immediately subjected to harassment and unwarranted discipline in retaliation of his complaint.” (First Amended Complaint, ¶ 22).

3. However, Plaintiff’s First Amended Complaint should be dismissed because the Court lacks subject matter jurisdiction over Plaintiff’s Title VII claims. Title VII of the Civil Rights Act of 1964 requires a plaintiff to file a complaint in court within 90 days of receiving notice from the EEOC of the right to sue. 42 U.S.C. § 2000e-5(f)(1). Plaintiff failed to file his

Title VII claims within the proper timeframes. According to established Seventh Circuit precedent, his Title VII claims are time-barred, and should be dismissed.

4. Even if the Court finds that the Plaintiff filed his Title VII claims within the proper timeframe, Plaintiff's First Amended Complaint fails to state claims upon which relief can be granted because Plaintiff's Title VII claims (except for ¶ 9(b)) are beyond the scope of his Charge filed with the Illinois Human Rights Commission and the Equal Employment Opportunity Commission and should be dismissed.

5. The facts, arguments and authorities in support of its motion are set forth more fully in GSSC's Memorandum in Support of Its Motion To Dismiss Plaintiff's First Amended Complaint, which is being filed simultaneously herewith and is incorporated herein by reference.

WHEREFORE, GSSC respectfully requests that the Court dismiss Plaintiff's First Amended Complaint with prejudice, and award GSSC any and all further relief that the Court deems appropriate.

Respectfully submitted,

GENERAL SECURITY SERVICES
CORPORATION

By: /s/ Yadira F. Rios
One of its attorneys

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Dated: April 18, 2008

CERTIFICATE OF SERVICE

Yadira F. Rios, an attorney, hereby certifies that, on April 18, 2008, a copy of the foregoing Motion to Dismiss was filed electronically. Notice of filing will be sent to the following parties by operation of the Court's electronic filing system. The parties may access this filing through the Court's system.

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